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10 *Plaintiffs' Co-Counsel and Proposed Class Counsel*

11 *[Additional Counsel Listed On Signature Page]*

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DANIEL COX, JOSEPH M. LYNCH, and  
NICOLE HALL, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

CLARUS MARKETING GROUP, LLC, a  
Connecticut corporation; PROVIDE  
COMMERCE, INC., a Delaware corporation;  
and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: 11-CV-02711-H (RBB)

CLASS ACTION

**NOTICE OF MOTION AND  
UNOPPOSED MOTION FOR  
(1) PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT,  
(2) PROVISIONAL CLASS  
CERTIFICATION,  
(3) DISTRIBUTION OF CLASS  
NOTICE, AND (4) SCHEDULING OF  
FAIRNESS HEARING**

Date: November 13, 2012  
Time: 10:30 a.m.  
Judge: Hon. Marilyn L. Huff  
Courtroom: 13

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on November 13, 2012, at 10:30 a.m., at the United  
3 States District Court for the Southern District of California, located at 940 Front Street, San  
4 Diego, California, Plaintiffs will and hereby do move before the Honorable Marilyn L. Huff,  
5 courtroom 13, for an order from this Court: (a) preliminarily approving the proposed  
6 settlement; (b) provisionally certifying the Class, appointing Class Representatives and  
7 appointing Class Counsel; (c) approving the proposed notice and authorizing its dissemination;  
8 and (d) setting dates and procedures for the fairness hearing, including deadlines for Class  
9 members to object to or request exclusion from the settlement.

10 This Unopposed Motion for (1) Preliminary Approval of Class Action Settlement,  
11 (2) Provisional Class Certification, (3) Distribution of Class Notice, and (4) Scheduling of  
12 Fairness Hearing (“Motion”) is based on this Notice of Unopposed Motion and Motion, the  
13 accompanying Memorandum of Points and Authorities in Support of Motion, and the  
14 Declaration of James R. Patterson in Support of Motion, all filed concurrently herewith, as well  
15 as the pleadings on file in this action, and upon such other matters, evidence, and arguments as  
16 may be presented to the Court before or at the hearing on the Motion.

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18 Dated: October 12, 2012

PATTERSON LAW GROUP

19 By: /s/ James R. Patterson  
James R. Patterson

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*Plaintiffs' Co-Counsel and Proposed Class Counsel*

**CERTIFICATE OF SERVICE**

I, James R. Patterson, hereby certify that on October 12, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record registered with the CM/ECF system.

Dated: October 12, 2012

## PATTERSON LAW GROUP

By: /s/ James R. Patterson  
James R. Patterson

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